# EXHIBIT G

## UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS TYLER DIVISION

BLUE SPIKE, LLC,	Š 8	
Plaintiff,	§ § 8	Case No. 6:15-cv-584-MHS
v. AUDIBLE MAGIC CORPORATION,	95 005 005 005 005 005 005 005	Jury Trial Demanded
Defendant.	8	
AUDIBLE MAGIC CORPORATION,  Counterclaim Plaintiff v.	00 00 00 00 o0	
BLUE SPIKE, LLC, BLUE SPIKE, INC. and SCOTT A. MOSKOWITZ	5 00 00 00 05	
Counterclaim Defendants.	s 80 80	

## [PROPOSED] JOINT VERDICT FORM

You, the jury, are to answer the following questions based on the evidence admitted at trial and according to the Instructions the Court has given you. Start with Question No. 1 and proceed through the questions. As you proceed through this verdict form follow the directions that have been provided to you in italics.

#### **QUESTION NO. 1.** - Inventorship

	1A	Are any one of Erling Wold	, Thom Blum, Douglas	Keislar or Jim Wheaton co-
inven	itors of	U.S. Patent No. 7,346,472?		
			Yes	No
	1B	Are any one of Erling Wold	, Thom Blum, Douglas	Keislar or Jim Wheaton co-
inver	ntors of	U.S. Patent No. 7,660,700?		
			Yes	No

1C	Are any one of Erling Wold	d, Thom Blum,	, Douglas Keislar or Jim Wheato	n co-
inventors	of U.S. Patent No. 7,949,494?			
		Yes	No	
1D	Are any one of Erling Wold	l, Thom Blum,	, Douglas Keislar or Jim Wheato	n co-
inventors	of U.S. Patent No. 8,214,175?			
		Yes	No	
		<b>7</b> 5 • • • • •	4.4.4.101.	

#### **QUESTION NO. 2.** – Patent Invalidity (Derivation, Anticipation and Obviousness)

2A Has Audible Magic proven by clear and convincing evidence that any of the following claims of U.S. Patent No. 7,346,472 is invalid because they are derived from or anticipated by the prior art or because they would have been obvious in view of the prior art?

If, based on clear and convincing evidence, you find the patent's claim invalid, answer "Yes," otherwise answer "No" on each line.

	Invalid as Derived?	Invalid as Anticipated?	Invalid as Obvious?
Claim 1			
Claim 3			
Claim 4			
Claim 8			
Claim 11			

2B Has Audible Magic proven by clear and convincing evidence that any of the following claims of U.S. Patent No. 7,660,700 is invalid because they are derived from or anticipated by the prior art or because they would have been obvious in view of the prior art?

If, based on clear and convincing evidence, you find the patent's claim invalid, answer "Yes," otherwise answer "No" on each line.

	Invalid as Derived?	Invalid as Anticipated?	Invalid as Obvious?
Claim 1			

Claim 6		
Claim 7		
Claim 8		
Claim 10		
Claim 11		
Claim 40		
Claim 49		
Claim 50		
Claim 51		

2C Has Audible Magic proven by clear and convincing evidence that any of the following claims of U.S. Patent No. 7,949,494 is invalid because they are derived from or anticipated by the prior art or because they would have been obvious in view of the prior art?

If, based on clear and convincing evidence, you find the patent's claim invalid, answer "Yes," otherwise answer "No" on each line.

	Invalid as Derived?	Invalid as Anticipated?	Invalid as Obvious?
Claim 1			
Claim 4			
Claim 5			
Claim 11			
Claim 17			
Claim 18			
Claim 20			
Claim 21			
Claim 22			
Claim 29			

2D Has Audible Magic proven by clear and convincing evidence that any of the following claims of U.S. Patent No. 8,214,175 is invalid because they are derived from or anticipated by the prior art or because they would have been obvious in view of the prior art?

If, based on clear and convincing evidence, you find the patent's claim invalid, answer "Yes," otherwise answer "No" on each line.

	Invalid as Derived?	Invalid as Anticipated?	Invalid as Obvious?
Claim 8			
Claim 11			
Claim 12			
Claim 13			
Claim 15			
Claim 16			
Claim 17			

# **QUESTION NO. 3.** – Patent Invalidity (Written Description and Lack of Enablement)

3A Has Audible Magic proven by clear and convincing evidence that any of the following claims of U.S. Patent No. 7,346,472 is invalid because they do not meet the written description requirement or the enablement requirement?

If, based on clear and convincing evidence, you find the patent's claim invalid, answer "Yes," otherwise answer "No" on each line.

	Written Description?	Enablement?
Claim 1		
Claim 3		
Claim 4		
Claim 8		
Claim 11		

3B Has Audible Magic proven by clear and convincing evidence that any of the following claims of U.S. Patent No. 7,660,700 is invalid because they do not meet the written description requirement or the enablement requirement?

If, based on clear and convincing evidence, you find the patent's claim invalid, answer "Yes," otherwise answer "No" on each line.

	Written Description?	Enablement?
Claim 1		
Claim 6		
Claim 7		
Claim 8		
Claim 10		
Claim 11		
Claim 40		
Claim 49		
Claim 50		
Claim 51		

3A Has Audible Magic proven by clear and convincing evidence that any of the following claims of U.S. Patent No. 7,949,494 is invalid because they do not meet the written description requirement or the enablement requirement?

If, based on clear and convincing evidence, you find the patent's claim invalid, answer "Yes," otherwise answer "No" on each line.

	Written Description?	Enablement?
Claim 1		
Claim 4		
Claim 5		

Claim 11	
Claim 17	
Claim 18	
Claim 20	
Claim 21	
Claim 22	
Claim 29	

3B Has Audible Magic proven by clear and convincing evidence that any of the following claims of U.S. Patent No. 8,214,175 is invalid because they do not meet the written description requirement or the enablement requirement?

If, based on clear and convincing evidence, you find the patent's claim invalid, answer "Yes," otherwise answer "No" on each line.

	Written Description?	Enablement?
Claim 8		
Claim 11		
Claim 12		
Claim 13		
Claim 15		
Claim 16		
Claim 17		

## **QUESTION NO. 4.** – Duty of Confidence

	4A	Has Audible Magic proven by a preponderance of the evidence that Scott
Mosko	owitz rec	ceived, under a duty of confidence, proprietary information from Erling Wold,
Thom	Blum, I	Douglas Keislar or Jim Wheaton about their inventions?
Thom	Blum, I	Oouglas Keislar or Jim Wheaton about their inventions?

\_\_Yes

No

4B	3	Has Audible Magic proven by a preponderance of the evidence that Blue Spike
Inc. receiv	ved,	under a duty of confidence, proprietary information from Erling Wold, Thom
Blum, Do	ugla	as Keislar or Jim Wheaton about their inventions?
		YesNo
40		Has Audible Magic proven by a preponderance of the evidence that Blue Spike
LLC recei	ived	, under a duty of confidence, proprietary information from Erling Wold, Thom
Blum, Do	ugla	as Keislar or Jim Wheaton about their inventions?
		YesNo
QUESTIC	ON.	NO. 5. – Breach of Duty of Confidence
If:	you	answered "Yes" to Question 4 above, then answer Question 5.
5A	A	Has Audible Magic proven by a preponderance of the evidence that Scott
Moskowit	tz br	reached his duty of confidence by utilizing the proprietary information of Erling
Wold, The	om l	Blum, Douglas Keislar or Jim Wheaton to obtain one or more of U.S. Patent Nos
7,346,472	2; 7,6	560,700; 7,949, 494 and/or 8,214,175?
		YesNo
5B	3	Has Audible Magic proven by a preponderance of the evidence that Blue Spike
Inc. breach	hed	its duty of confidence by utilizing the proprietary information of Erling Wold,
Thom Blu	ım, l	Douglas Keislar or Jim Wheaton to obtain one or more of U.S. Patent Nos.
7,346,472	2; 7,6	660,700; 7,949, 494 and/or 8,214,175?
		YesNo
50		Has Audible Magic proven by a preponderance of the evidence that Blue Spike
LLC bread	chec	l its duty of confidence by utilizing the proprietary information of Erling Wold,
Thom Blu	ım. I	Douglas Keislar or Jim Wheaton to obtain one or more of U.S. Patent Nos.

7,346,472; 7	7,660,700; 7,949, 494 and/or	8,214,175?	
		Yes	No
QUESTION	N NO. 6. – Unjust Enrichme	ent	
6A	Has Audible Magic prove	n by a preponderan	ce of the evidence that Scott
Moskowitz	obtained a benefit by fraud, d	uress, or taking un	due advantage?
		Yes	No
6B	Has Audible Magic prove	n by a preponderan	ce of the evidence that Blue Spike
Inc. obtained	d a benefit by fraud, duress, o	or taking undue adv	antage?
		Yes	No
6C	Has Audible Magic prove	n by a preponderan	ce of the evidence that Blue Spike
LLC obtaine	ed a benefit by fraud, duress,	or taking undue ad	vantage?
		Yes	No
QUESTION	N NO. 7. – Patent Unenforce	eability / Inequital	ole Conduct
7A	Has Audible Magic prove	n, by clear and con	vincing evidence, that U.S. Patent
No. 7,346,472 is unenforceable due to inequitable conduct?			
		Yes	No
7B	Has Audible Magic prove	n, by clear and con	vincing evidence, that U.S. Patent
No. 7,660,700 is unenforceable due to inequitable conduct?			
		Yes	No
7C	Has Audible Magic prove	n, by clear and con	vincing evidence, that U.S. Patent
No. 7,949,49	94 is unenforceable due to inc	equitable conduct?	
		Yes	No
7D	Has Audible Magic prove	n, by clear and con	vincing evidence, that U.S. Patent

No. 8,214,17	75 is unenforceable due to inequitable conduct?
	YesNo
QUESTION	N NO. 8. – False or Misleading Statements (Lanham Act)
8A	Has Audible Magic proven by a preponderance of the evidence that Mr.
Moskowitz 1	made false or misleading statements about their technology and product, and that
such stateme	ents violate the Lanham Act?
	YesNo
8B	Has Audible Magic proven by a preponderance of the evidence that Blue Spike
Inc. made fa	alse or misleading statements about their technology and product, and that such
statements v	riolate the Lanham Act?
	YesNo
8C	Has Audible Magic proven by a preponderance of the evidence that Blue Spike
LLC made f	alse or misleading statements about their technology and product, and that such
statements v	riolate the Lanham Act?
	YesNo
QUESTION	N NO. 9. – False or Misleading Statements (Lanham Act) – Willfulness
If yo	u answered "Yes" to any part of Question 8 above, then answer Question 9.
9A	Has Audible Magic proven by clear and convincing evidence that Mr.
Moskowitz'	s false or misleading statements were willful, wanton and calculated to deceive, or
were underta	aken in bad faith?
	YesNo
9B	Has Audible Magic proven by clear and convincing evidence that Blue Spike
Inc.'s false of	or misleading statements were willful, wanton and calculated to deceive, or were

undertaken in	bad faith?		
		Yes	No
9A	Has Audible Magic proven by	y clear and conv	incing evidence that Blue Spike
LLC's false o	r misleading statements were v	villful, wanton a	nd calculated to deceive, or were
undertaken in	bad faith?		
		Yes	No
<b>QUESTION</b>	NO. 10. – Unfair Competition	n	
10A	Has Audible Magic proven by	y a preponderan	ce of the evidence that Mr.
Moskowitz's	actions constitute unfair compe	etition?	
		Yes	No
10B	Has Audible Magic proven by	y a preponderan	ce of the evidence that Blue Spike
Inc.'s actions	constitute unfair competition?		
		Yes	No
10C	Has Audible Magic proven by	y a preponderan	ce of the evidence that Blue Spike
LLC's actions constitute unfair competition?			
		Yes	No
QUESTION NO. 11. – Damages For Omitted Co-Inventors (35 U.S.C. § 102(f))			
If you answered "Yes" to any part of Question 1, then answer Question 11.			
11A	What amount is Audible Mag	gic entitled to red	cover based on the omission of
Audible Magic co-inventors from U.S. Patent No. 7,346,472?			
\$			
11B	What amount is Audible Mag	gic entitled to rec	cover based on the omission of
Audible Magi	ic co-inventors from U.S. Pater	nt No. 7,660,700	?

\$	
11C	What amount is Audible Magic entitled to recover based on the omission of
Audible Mag	ic co-inventors from U.S. Patent No. 7,949,494?
\$	
11D	What amount is Audible Magic entitled to recover based on the omission of
Audible Mag	ic co-inventors from U.S. Patent No. 8,214,175?
\$	
QUESTION	NO. 12. – Damages For Unjust Enrichment
If you	answered "Yes" to any part of Question 6 above, then answer Question 12.
12A	What amount is Audible Magic entitled to recover from Scott Moskowitz for
unjust enrich	ment?
\$	
12B	What amount is Audible Magic entitled to recover from Blue Spike Inc. for unjust
enrichment?	
\$	
12C	What amount is Audible Magic entitled to recover from Blue Spike LLC for
unjust enrich	ment?
\$	
<b>QUESTION</b>	NO. 13. – Damages For Unfair Competition
If you	answered "Yes" to any part of Question 10 above, then answer Question 13.
13A	What amount is Audible Magic entitled to recover from Scott Moskowitz for
unfair compe	tition?
¢	

1	3B	What amount is Audible Magic entitled to recover from Blue Spike Inc. f	or unfair
competit	tion?		
\$	S		
1	3C	What amount is Audible Magic entitled to recover from Blue Spike LLC	for
unfair co	ompeti	ition?	
\$	S		
QUEST	ION I	NO. 14. – Exemplary or Punitive Damages	
Į	f you	answered "Yes" to any part of Question 10 above, then answer Question	14.
1	4A	Has Audible Magic proven by clear and convincing evidence that the hard	m to
Audible	Magio	c resulted from Scott Moskowitz's fraud, malice or oppression?	
		YesNo	
4	45		
I	4B	Has Audible Magic proven by clear and convincing evidence that the hard	m to
Audible Magic resulted from Blue Spike Inc.'s fraud, malice or oppression?			
		YesNo	
1	4C	Has Audible Magic proven by clear and convincing evidence that the hard	m to
Audible Magic resulted from Blue Spike LLC's fraud, malice or oppression?			
		YesNo	
QUEST	ION I	NO. 15. – Exemplary or Punitive Damages – Amount	
1	5A	What sum of money, if any, if paid now in cash, should be assessed again	st Scott
Moskow	itz an	nd awarded to Audible Magic as exemplary or punitive damages, if any, for	the
conduct	found	l in response to Question 10?	
\$	S		
1	5B	What sum of money, if any, if paid now in cash, should be assessed again	st Blue

Spike Inc. and awarded to Audible Magic as exempla	ary or punitive damages, if any, for the
conduct found in response to Question 10?	
\$	
15C What sum of money, if any, if paid no	w in cash, should be assessed against Blue
Spike LLC and awarded to Audible Magic as exemple	lary or punitive damages, if any, for the
conduct found in response to Question 10?	
\$	
The Foreperson must sign and date this verdict form:	
DATE	FOREPERSON